



City of Seattle

Edward B. Murray, Mayor

Department of Planning and Development

D. M. Sugimura, Director

CITY OF SEATTLE ANALYSIS AND DECISION OF THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 3014473
Applicant Name: Ben Tran for Steve Dao
Address of Proposal: 5929 20th Avenue South

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a two-story, single family residence in an environmentally critical area. Parking for two vehicles will be located within the structure.

The following approvals are required:

ECA Variance – to allow disturbance within a steep slope area and steep slope buffer, and a reduced front yard. Section 25.09.180.E

SEPA Determination: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS
☐ DNS with conditions
☐ DNS involving non-exempt grading or demolition
or involving another agency with jurisdiction.

BACKGROUND INFORMATION

Site Description

The site is located on 20th Avenue South between South Juneau Street and South Raymond Street in the Beacon Hill neighborhood. The site slopes down ward from east to west, plateaus slightly then slopes down again to the abutting unopened alley on the west. The subject property has a lot area of 8,550 sq. ft. and is zoned Single Family 5000 (SF5000) as is the surrounding property.

Description of Proposal

The applicant proposes to construct a three-story 3,352 sq. ft. single family residence. The residence will be sited at an angle to the front property line and located mostly in the eastern portion of the parcel. The proposed residence will have a front yard that is 5 ft. as its narrowest on the north and 14.5 ft. at its widest on the south. A driveway for vehicular access from 20th Avenue South is proposed to the residence and enclosed parking. The project includes re-vegetation of the steep slope area with native plant species.

The proposed single family residence is located within the steep slope and steep slope buffers environmentally critical areas (ECAs). Disturbance of steep slope ECAs, ECA buffers and a

front yard reduction all require variance approval. The proposed residence and site disturbance would total approximately 29.95% of the steep slope area.

The site is also located within a mapped ECA - Fish and Wildlife Habitat Area which was reviewed under permit #6332593 as follows:

“Regarding the request for an exemption from the mapped “other fish and wildlife habitat conservation area”, the project does fall within a mapped priority habitat area (see WSDFW PHS maps at <http://wdfw.wa.gov/mapping/phs/>) and does not qualify for an ECA exemption for this ECA type. However, the only applicable requirement in the ECA code for such situations in under SMC25.09.200.C.2, which should not impact the proposal. This code provision requires adherence to any WDFW requirements for this Priority Habitat Area. In this case, for this habitat type WDFW has no requirements.”

Public Comment

Notice of the proposal was issued on January 3, 2013 with a comment period ending January 16, 2013. No comment letters were received.

Environmentally Critical Areas Regulations

General Requirements and standards are described in Section 25.09.060 of the ECA ordinance (SMC Chapter 25.09). SMC Section 25.09.180 provides specific standards for all development on steep slopes and steep slope buffers on existing lots, including the general requirement that development shall be avoided in these areas whenever possible. Trees and vegetation standards are found at SMC 25.09.320.

ANALYSIS – STEEP SLOPE AREA VARIANCE

The applicant has requested variances from three requirements of the environmentally critical areas ordinance: ECA Variance for a reduced front yard, ECA Variance to disturb a steep slope buffer, and ECA Variance to disturb a steep slope.

Pursuant to SMC 25.09.180.E the Director may allow disturbance of the steep slope area buffer and authorize limited development in the steep slope area and buffer only when all of the facts and conditions stated in the numbered paragraphs below are found to exist:

SMC 25.09.180.E. Steep Slope Area Variance.

1. The Director may reduce the steep slope area buffer and may authorize limited intrusion into the steep slope area and steep slope buffer to the extent allowed in subsection E2 only when the applicant qualifies for a variance by demonstrating that:

a. the lot where the steep slope or steep slope buffer is located was in existence before October 31, 1992; and

The lot was created in a short platting action in 1982. This criterion is met.

b. the proposed development otherwise meets the criteria for granting a variance under Section 25.09.280B, except that reducing the front or rear yard or setbacks will not both mitigate the hardship and maintain the full steep slope area buffer.

As shown by the topographic survey and site plan, almost the entire property is designated as a steep slope ECA or steep slope buffer, except for approximately 1,500 square feet located at the plateau area of the site approximately $\frac{3}{4}$ of the way into the site. The steep slope and buffer area

are located in two different places on the site. One area is located adjacent to 20th Avenue S where the site slopes steeply downward to the west. The site then levels off and then slopes steeply downward again to the unopened alley on the west. The strict application of the steep slope standards would require avoidance of both the steep slope area and the steep slope buffer, preventing development of the site as access to the non-ECA area would require extensive disturbance of the steep slopes and buffer area adjacent to the right-of-way. The applicant is requesting a reduced front yard (required = 20 feet, proposed = 5 – 14.5 feet), however, reduction of the front yard does not result in access and a building footprint outside of the steep slope and steep slope buffers, so it does not fully mitigate the hardship created by the strict application of the steep slope standards, nor does it maintain the steep slope buffer.

Criteria and responses for granting a variance found in SMC 25.09.280.B are discussed below:

SMC 25.09.280.B. Yard and setback reduction and variance to preserve ECA buffers and riparian corridor management areas.

The Director may approve a yard or setback reduction greater than five feet (5') in order to maintain the full width of the riparian management area, wetland buffer or steep-slope area buffer through an environmentally critical areas yard or setback reduction variance when the following facts and conditions exist:

1. The lot has been in existence as a legal building site prior to October 31, 1992.

See response to SMC 25.09.180.E.1.a, above.

2. Because of the location of the subject property in or abutting an environmentally critical area or areas and the size and extent of any required environmentally critical areas buffer, the strict application of the applicable yard or setback requirements of Title 23 would cause unnecessary hardship; and

See response to SMC 25.09.180.E.1.b, above.

3. The requested variance does not go beyond the minimum to stay out of the full width of the riparian management area or required buffer and to afford relief; and

This criterion is not applicable since there is no riparian management area or required (riparian) buffer on-site.

4. The granting of the variance will not be injurious to safety or to the property or improvements in the zone or vicinity in which the property is located; and

The applicant has provided a geotechnical report (PanGEO Geotechnical & Earthquake Engineering Consultants, dated September 12, 2012) which was reviewed by DPD's geotechnical engineer and approved on September 12, 2013.

A drainage plan is required by the ECA Code to minimize disturbance of the steep slope and steep slope buffer, and will be detailed and reviewed during review of the associated building permit.

Granting the variance to minimally intrude into the steep slope areas will not be injurious to safety, property, or improvements in the zone or vicinity.

- 5. The yard or setback reduction will not result in a development that is materially detrimental to the character, design and streetscape of the surrounding neighborhood, considering such factors as height, bulk, scale, yards, pedestrian environment, and amount of vegetation remaining; and***

The applicant is requesting a variance for a reduced front yard of 5 feet to 14.5 feet; twenty feet would be required under front yard requirements per SMC 23.44.014. As the house is at an angle to the east property line which abuts 20th Ave S, the amount of floor area to be built in the reduced front yard within 20' of 20th Ave S, is approximately 300 square feet of one story. An additional 157 square feet of paved area will be required for pedestrian and vehicle access from the right-of-way. Allowing the house to move closer to the street allows for less disturbance of the site.

An additional 120 square feet of area is proposed to be disturbed at the edge of the right-of-way to allow construction of the building. This area will replanted with native plants. The landscape plan shows landscaping with native plants all disturbance areas. Maximum disturbance areas are defined initially by the silt fencing required by the Temporary Erosion control Plan. The landscape plan is an ECA code requirement and must be incorporated into the associated building permit in order for the project to be approved. (All work in the right-of-way requires SDOT approval.)

Other properties along this block face have development within 20' of the 39th Ave SW right-of-way. Therefore, the proposed development will not result in materially detrimental effects on the character, design, and streetscape of the surrounding neighborhood.

- 6. The requested variance would be consistent with the spirit and purpose of the environmentally critical policies and regulations.***

The environmentally critical area policies and regulations were created to protect ecological functions, prevent erosion and protect the public health, safety and welfare in landslide-prone (including steep slope) areas, and to permit landowners reasonable development and avoid development that causes injury to persons, property, public resources or the environment.

The applicant proposes to construct a single family residence on a site consisting almost entirely of steep slope and steep slope buffer. The lot area is 8,850 sq. ft.; the steep slope area is 4,553 sq. ft. and the steep slope buffer area is 2,500 sq. ft. Disturbed areas will be re-vegetated with native vegetation. Variance relief is necessary to allow reasonable development of the property. The proposal would be consistent with the spirit and purpose of the environmentally critical policies and regulations.

- 1. When an environmentally critical areas variance is authorized, the Director may attach conditions regarding the location, character and other features of a proposed development to carry out the spirit and purpose of this chapter.***

No conditions have been attached. See response to SMC25.09.180E.3 below.

SMC 25.09.180.E. Steep Slope Area Variance.

- 2. If any buffer reduction or development in the critical area is authorized by a variance under subsection E1, it shall be the minimum to afford relief from the hardship and shall be in the following sequence of priority:***
- a. reduce the yards and setbacks, to the extent reducing the yards or setbacks is not injurious to safety;***

- b. reduce the steep slope area buffer;*
- c. allow an intrusion into not more than thirty percent (30%) of the steep slope area.*

As discussed above, the applicant is requesting a reduced front yard; however, the reduction is not sufficient to keep the development entirely out of the steep slope and steep slope buffer since most of the site is designated as steep slope or steep slope buffer. Similarly, a buffer reduction alone would not obviate the need to disturb the steep slope area as the buffer is located deep within the site. Further, it is not possible to develop the site with a single family residence without disturbing the ECA. The total lot area is 8,550 sq. ft., of which 4,553 sq. ft. is designated as steep slope. The proposed residence includes a total footprint of 799 sq. ft. including a 8 sq. ft. deck. An additional 157 sq. ft. of paved area is proposed for pedestrian and vehicle access from 20th Avenue S. The intrusion into the steep slope, including all site disturbances (construction impact area, access and utilities) totals 1,362 sq. ft. which is 29.95% of the total steep slope area of 4,553 sq. ft., according to the plans. The proposed development follows the sequence of priority and does not create an intrusion of more than 30% of the steep slope area. The proposal therefore meets this criterion.

3. The Director may impose additional conditions on the location and other features of the proposed development as necessary to carry out the purpose of this chapter and mitigate the reduction or loss of the yard, setback, or steep slope area or buffer.

The proposed residence is designed to be minimally intrusive into the ECA and buffer, with a total steep slope ECA disturbance of 29.95%. Disturbed areas will be required to be re-vegetated with native vegetation, as shown on the Landscape plan, as an ECA code requirement. A non-disturbance area covenant is required by the ECA code and will be required for all areas not include in the 29.95% disturbance area. This has been recorded with King County under recording number 20131205000015.

With these code requirements (landscaping plan, and non-disturbance covenant) no additional mitigation or conditions are warranted.

ECA CODE REQUIREMENTS:

- The owner and/or responsible party have provided a King County recorded ECA Covenant to the Land Use Planner under #20131205000015.
- The landscape plan shown on in the MUP set must be incorporated into the building permit set of plans.

DECISION – STEEP SLOPE AREAS VARIANCE:

GRANTED.

CONDITIONS OF VARIANCE APPROVAL:

None.

Signature: (signature on file)
Marti Stave, Senior Land Use Planner
Department of Planning and Development

Date: March 20, 2014